

HOUSE BILL 2305

By Turner M

AN ACT to amend Tennessee Code Annotated, Sections 4-5-106(e), 50-7-303(a)(5), 50-7-303(b)(2), 50-7-303(c)(1), 50-7-303(e), 50-7-304(b)(1)(C) and 50-7-304(f), relative to unemployment compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1: Tennessee Code Annotated, Section 4-5-106, is amended by inserting the following language between the language “4-5-311(a), (b) and (c),” and the language “4-5-314(b)”:

4-5-312(c),

SECTION 2. Tennessee Code Annotated, Section 50-7-303(a)(5), is amended by deleting the language in such subdivision in its entirety and substituting instead the following language:

For any week with respect to which the claimant is receiving, or has received, remuneration in the form of compensation for temporary partial disability under the workers’ compensation law of any state or under a similar law of the United States;

SECTION 3. Tennessee Code Annotated, Section 50-7-303(b)(2), is amended by deleting such subdivision.

SECTION 4. Tennessee Code Annotated, Section 50-7-303(c)(1), is amended by deleting the word “monetary” between the words “that provides” and the words “incentives to employees” in the second sentence.

This subdivision is further amended by deleting in its entirety the following language in the second sentence:

provided that such monetary incentive is greater than the maximum amount of benefits the claimant is eligible to receive; and

provided further, that “monetary incentive” does not include “wages in lieu of notice”, as defined in subdivision (b)(2)(A), and does not include “separation allowance, severance pay or any other payment” as defined in subdivision (b)(2)(B);

SECTION 5. Tennessee Code Annotated, Section 50-7-303(e), is amended by deleting the following language from subdivision (1)(A):

and whether such award settlement was arrived at by subtracting the amount of unemployment benefits received during the period covered by the award settlement from the final award settlement

This subsection is further amended by deleting the language in subdivision 2 in its entirety and substituting instead:

It is the intent of the general assembly that no overpayment of benefits shall be established as a result of a back pay award.

SECTION 6: Tennessee Code Annotated, Section 50-7-304(b)(1)(C), is amended by inserting the following language between the language “such monetary or nonmonetary determination” and the language “, and shall promptly”:

and the Appeals Tribunal has accepted jurisdiction

SECTION 7: Tennessee Code Annotated, Section 50-7-304(f), is amended by adding the following language at the end of such subsection:

Notwithstanding the provisions of T.C.A. Section 4-5-312(c) or any other provision to the contrary, the appeals tribunal and the board of review may, for good cause, hold all or part of the hearing by telephone conference. In determining good cause, the appeals tribunal and board of review shall consider the wishes of the parties and such factors as the physical security risk to the participants or the department's staff, the travel distance to the hearing location

for either or both parties, the relative hardship or convenience to the parties, the complexity of the issues and any other factor relevant to having a fair hearing.

SECTION 8: Section 4 of this Act shall take effect immediately and apply to claimants awarded back pay awards on or after July 2, 2006, and all other Sections shall take effect immediately and apply to claimants filing initial claims on or after July 2, 2007, the public welfare requiring it.